



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 20 2001

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Cert. No. 7000-1670-0002-9179-7749

In Reply Refer to:

EPA OCR File No. 11R-01-R9

Mr. Al Brown
Director
Maricopa County Environmental Services Department
1001 North Central Avenue, Suite 595
Phoenix, Arizona 85004

Re: ACCEPTANCE OF ADMINISTRATIVE COMPLAINT

Dear Mr. Brown:

The purpose of this letter is to notify the Maricopa County Environmental Services Department (MCESD) that the U.S. Environmental Protection Agency's Office of Civil Rights (OCR) is accepting for investigation an administrative complaint dated August 17, 2001, that was filed against MCESD by Citizens Environmental Awareness League (CEAL). (A copy of the complaint is enclosed.)

The complaint alleges that MCESD violated Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.*, (Title VI) and the EPA's regulations implementing Title VI found at 40 C.F.R. Part 7 by "deliberately and intentionally conducting a public hearing regarding the issuance of an air pollution permit for Sumitomo Sitix of Phoenix, Inc. ... at a time [4:00PM to 7:00PM on Tuesday, August 7, 2001] when local affected area residents could not attend." Additionally, the complaint states that "the local population proximate to [Sumitomo Sitix of Phoenix, Inc.] is overwhelmingly middle class whites," and "all other public hearings for air pollution permits conducted by MCESD in all other parts of MCESD's jurisdiction including communities of color and low-income communities, have been conducted at times that were conducive to public attendance and participation, i.e., with hearings starting at 7:00PM on weekdays."

Pursuant to EPA's Title VI regulations, MCESD may either respond to the complaint in writing within 30 calendar days of receiving this notice, or may wait until OCR notifies MCESD of any preliminary findings of noncompliance. EPA's Title VI regulations also require OCR to attempt to resolve complaints informally whenever possible.

If you have any questions, please contact Tom Born in OCR by telephone at 202-564-7294, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460-1000.

Sincerely,



Karen Higginbotham
Acting Director

encl. a/s

cc: Christian Klein, President
Citizens Environmental Awareness League
P.O. Box 30333
Phoenix, Arizona 85046-0333

Rafael DeLeon, Associate General Counsel
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